



Order Filed on January 4, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

THOMAS J. ELLIS, SR. and PATRICIA A. ELLIS,

Debtors

Case No.: 16-17377 (KCF)

Chapter: 13

Hearing Date:

Judge: Kathryn C. Ferguson, Chief Judge

ORDER APPROVING MORTGAGE LOAN MODIFICATION

The relief set forth on the following pages is hereby **ORDERED**.

DATED: January 4, 2017


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Debtors: Thomas J. Ellis, Sr. and Patricia A. Ellis

Case No.: 16-17377 (KCF)

Re: ORDER APPROVING MORTGAGE LOAN MODIFICATION

THIS MATTER having come before the Court on application of debtors, Thomas J. Ellis, Sr. and Patricia A. Ellis, to approve mortgage loan modification with secured creditor, PNC Mortgage, and the Court having considered the motion and any opposition thereto, and good and sufficient cause appearing therefrom for the entry of this Order, it is hereby

ORDERED that the mortgage loan modification between Debtors and secured creditor be and is hereby approved; and it is further

ORDERED that communications and/or negotiations between Debtors and mortgagees/mortgage servicers about loan modification shall not be deemed a violation of the automatic stay, and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation; and it is further

ORDERED that in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor shall withdraw its Proof of Claim without prejudice or amend the arrearage portion of its Proof of Claim to the paid to date amount within thirty (30) days of completion of the loan modification; and it is further

ORDERED that the Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of the loan modification and all money that would otherwise be paid to the secured creditor be held until the Proof of Claim is withdrawn or amended or the Trustee is notified by secured creditor that the modification was not consummated; and it is further

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Debtors: Thomas J. Ellis, Sr. and Patricia A. Ellis

Case No.: 16-17377 (KCF)

Re: ORDER APPROVING MORTGAGE LOAN MODIFICATION

ORDERED that in the event that the modification is not consummated; the secured creditor shall notify the Trustee and Debtors' attorney of same. Any money that was held by the Trustee pending the completion of the modification shall be paid to secured creditor; and it is further

ORDERED that in the event the Proof of Claim is withdrawn or amended, the Trustee may disburse the funds being held pursuant to this Order to other creditors in accordance with the provisions of the confirmed plan; and it is further

ORDERED that Debtors shall file an Amended Schedule J within twenty (20) days of the date of this Order.